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4 **NOT FOR PUBLICATION**

5 IN THE UNITED STATES DISTRICT COURT

6 FOR THE DISTRICT OF ARIZONA

7 James Herbert Jackson,)

No. CV-04-2128-PHX-FJM

8 Petitioner,)

ORDER

9 vs.)

10 Dora B. Schriro, et al.,)

11 Respondents.)

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13 The court has before it the petition for writ of habeas corpus (doc. 1), the answer (doc.

14 13), the reply (doc. 21), the United States Magistrate Judge's Report and Recommendation

15 (doc. 24), and the petitioner's objection thereto (doc. 25). Respondents did not respond to

16 the objection. Rule 8(b), Rules Governing § 2254 Cases; 28 U.S.C. § 636; and the Report

17 and Recommendation all permit a party to file objections to the Report and Recommendation,

18 but none provide for a response thereto. Rule 72(b), Fed. R. Civ. P., however, permits a

19 party to respond to an objection within 10 days of its service. At all events, a response would

20 be helpful here. Rather than object to the Report and Recommendation's analysis or

21 conclusions, petitioner seeks to supplement his petition with factual allegations. **IT IS**

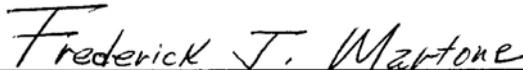
22 **ORDERED** that respondents shall, by July 28, 2006, file with the court a response

23 addressing the substance of petitioner's factual allegations, and the propriety of setting forth

24 those allegations at this late stage.

25 DATED this 19th day of July, 2006.

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28 Frederick J. Martone
United States District Judge